

Subdivision Regulation Amendment: 05-04
Concerning: Site Plan Enforcement
Draft No. & Date: 2 – 10/28/05
Introduced: November 1, 2005
Public Hearing: 12/6/05; 7:30 PM
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers Denis, Floreen and Knapp

AN AMENDMENT to the Montgomery County Code for the purpose of:

- reassigning and clarifying the enforcement of site plans approved by the Planning Board, and
- generally amending provisions related to site plan review and enforcement

By amending the following section of the Montgomery County Subdivision Regulations, Chapter 50 of the Montgomery County Code:

Chapter 50	“SUBDIVISION OF LAND”
Article III	“Subdivision Regulations Generally”
Section 50-41	“Enforcement”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Chapter 50 is amended as follows:

Chapter 50. SUBDIVISION OF LAND.

* * *

Article III. Subdivision Regulations Generally.

* * *

50-41. Enforcement.

(a) *Definitions.* In this section, these terms have the following meanings:

* * *

(3) *Enforcement Agent.* The Planning Board, or [designee] Department, responsible for determining compliance with [terms, conditions, requirements, agreements, and any other obligations or limitations] any term, condition, requirement, agreement, or other obligation or limit associated with a Planning Board Action. The Department of Permitting Services is responsible for determining compliance with any term, condition, requirement, agreement, or other obligation or limit associated with a site plan approved by the Planning Board.

* * *

(5) *Planning Board Action.* A final decision[,] on a preliminary plan, site plan, project plan, supplementary plan, water quality plan, or other plan, including all associated terms, conditions, requirements and other obligations or [limitations] limits, made by the Planning Board [pursuant to its authority] under [Article 28, Titles 7 and 8, Maryland Code Annotated] state law and Chapter 50 and 59, [of the Montgomery County Code] including any [regulations promulgated pursuant to this authority] regulation issued under state or County law. A [final decision for purposes of this section] Planning Board Action does not include a decision made by the [Planning] Board [pursuant to] under Chapter 22A.

* * *

Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Approved

Douglas M. Duncan, County Executive

Date